

CITY OF BOSTON.

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Ordinance



AN ORDINANCE prescribing Rules and Regulations relative to nuisances, sources of filth, and causes of sickness within the City of Boston.

Sec. 1. *Be it ordained by the Mayor, Aldermen and Common Council of the City of Boston, in City Council assembled, That* the department of internal and external police, as far as it regards the preservation of the health of the City, be placed under the superintendence of the City Marshal; whose duty it shall be, and he shall have the power, to carry into execution, all the ordinances, rules and laws made by the City Council, relative to causes of sickness, nuisances, and sources of filth that may be injurious to the health, or may affect the comfort of the City, which do or may exist within the limits thereof; subject always to the direction, authority and control of the Mayor and Aldermen; and it shall be the duty of the City Marshal to cause all such nuisances, sources of filth, and causes of sickness, to be prevented, removed, or destroyed, as the case may require, conformably to the ordinances of the City Council, as aforesaid, and the laws of the Commonwealth; and to this department shall belong the care of the streets, the care of the common sewers, and the care of the vaults, and whatever else affects the health, security, and comfort of the City, from causes or means arising or existing within the limits thereof.

Sec. 2. *Be it further ordained, That* in the month of May or June annually, there shall be appointed, by concurrent vote of the City Council, five consulting Physicians, whose duty it shall be in case of an alarm of any contagious, infectious, or other dangerous disease occurring in the City or neighborhood, to give to the Mayor or either Board of the City Council all such professional advice and information as they may request, with a view to the prevention of the said diseases, and at

all convenient times to aid and assist them with their counsel and advice in all matters that relate to the preservation of the health of the inhabitants.

Sec. 3. *Be it further ordained,* That the Mayor and Aldermen shall have power to remove or cause to be removed from any dwelling house or other place within said City, any person or persons, sick with any contagious or infectious disease, or any person who may have been exposed to such contagious or infectious disease, to any hospital or place within the City, or to any island within the harbor, proper for the reception of such sick and exposed persons; Provided a majority of the consulting Physicians shall give their opinion in writing, to said Mayor and Aldermen, that such removal is necessary and expedient, for the safety of the inhabitants. And in case any person sick with such contagious or infectious disease, in any house or other place within said City, cannot in the opinion of said Physicians, be removed, then the Mayor and Aldermen shall have power to cause any house or tenement contiguous thereto, to be vacated, by the removal of the occupants thereof, for such time as said Physicians or a majority of them shall think expedient, and the safety of the inhabitants may require.

Sec. 4. *Be it further ordained,* That each and every tenement within the City of Boston, that is, or may hereafter be used as a dwelling house, shall be furnished with a sufficient drain under ground, to carry off the waste water, and also with a suitable privy, the vault of which shall be sunk under ground, and be built in the manner hereinafter prescribed; and of sufficient capacity in proportion to the number of inhabitants of such tenement—which privy and vault and drain shall be in common and subject to the use of all said inhabitants.

Sec. 5. *Be it further ordained,* That for any offence against the provisions of the foregoing section, the owner or owners of each and every tenement so used, as aforesaid, shall forfeit and pay a sum not less than five dollars nor more than twenty dollars, for each and every week during which said tenement or any part thereof shall be used as a dwelling house.

Sec. 6. *Be it further ordained,* That if the Mayor and Aldermen shall at any time be satisfied that any tenement used as a dwelling house, is not provided with a suitable privy and vault and drain or either of them as aforesaid, they may give notice in writing to the owner thereof or his agent, if either be an inhabitant of the City, or if otherwise, public notice in two newspapers printed in Boston, requiring such owner or agent, within such time as they shall appoint, to cause a proper and sufficient privy and vault and drain to be constructed for such tenement, to be common and subject to the use of all the in-

habitants thereof; and in case of neglect or refusal to obey such notice, the Mayor and Aldermen shall have power to cause such privy and vault and drain to be made for such tenement, the expense of which shall be paid by such owner or agent.

Sec. 7. *Be it further ordained*, That whenever upon due examination it shall appear to the Mayor and Aldermen, that the number of persons occupying any tenement or building in the City is so great as to be the cause of nuisances and sickness, and the source of filth; or that any tenements or buildings are not furnished with vaults constructed according to the provisions of this ordinance, and sufficient privies and drains, under ground, for waste water; it shall be the duty of the Mayor and Aldermen, and they are hereby authorised and empowered to remove such persons or occupants, or any of them, from such tenement or building. And the Mayor and Aldermen shall thereupon issue their notice, in writing, to such persons or any of them, requiring them to remove from and quit such tenement or building within such time as the Mayor and Aldermen shall deem reasonable. And if the person or persons so notified, or any of them, shall neglect or refuse to remove from and quit such tenement or building within the time mentioned in such notice, the Mayor and Aldermen are hereby authorized and empowered, thereupon forcibly to remove such person or persons from the same.

Sec. 8. *Be it further ordained*, That all the vaults and privies shall be so constructed that the inside of the same shall be at least two feet distant from the line of every adjoining lot, unless the owner of said adjoining lot shall otherwise agree and consent, and also from every street, lane, alley, court, square or public place, or public or private passage way; that there shall be no communication between any vault or privy and any common sewer or drain, by which the solid contents of such vault or privy can pass into said sewer or drain; that every vault shall be made tight so that the contents thereof cannot escape therefrom; and that said contents shall never be within two feet of the surface of the earth: Provided, however, that the Mayor and Aldermen are hereby authorized to permit, under such restrictions as they shall deem expedient, the construction of sufficient passage ways or conduits under ground, for the purpose of conveying the fluid contents of any of the vaults aforesaid into a common sewer or drain.

That whenever any vault or privy shall become offensive to any inhabitants, the same shall be cleansed—And the owner, or his agent, or the occupant of the land, in which any vault or privy may be situated, the state and condition of which shall be in violation of the provisions of this ordinance, shall remove, cleanse, alter, amend, or repair the same within a reasonable time after notice in writing to that effect, given by the Mayor,

any Alderman, the City Marshal, or the Commissioner of Health. And in case of neglect or refusal, the same shall be performed by the orders of the Mayor and Aldermen, at the expense of the owner, agent, or occupant aforesaid.

Sec. 9. *Be it further ordained*, That no vault or privy shall be emptied, without a permit from the City Marshal, or his deputy ; nor in any other mode, or at any other time, than he shall direct and appoint, conformable to such regulations as the Mayor and Aldermen, from time to time shall make on the subject. And no vault shall be opened between the fifteenth day of June, and the fifteenth day of September, in each year, unless on inspection caused to be made, the Mayor and Aldermen shall be satisfied that the same is absolutely necessary for the health or comfort of the inhabitants. And in such case, no more of such contents shall be taken away, than shall be deemed absolutely necessary for present safety and relief, and with such precautions relative to the preventing of any offensive effluvia, as the Mayor and Aldermen shall direct ; all the expenses of which shall be borne by such owner, agent, or occupant, and which shall never be less than double the amount charged during any other month in the year.

Sec. 10. *Be it further ordained*, That all waste water shall be conveyed through sufficient drains under ground, to a common sewer, or to such reservoir, sunk under ground, as shall be approved by the City Marshal. And no person shall suffer any waste or stagnant water to remain in any cellar or upon any lot or vacant ground by him owned or occupied.

Sec. 11. *Be it further ordained*, That whenever it shall appear to the Mayor and Aldermen, that any cellars, lots or vacant grounds are in a state of nuisance, or so situated that they may become a nuisance, and the health of the inhabitants be endangered, it shall be their duty and they are authorized to cause a notice in writing to be served upon the owners or occupants thereof, and if there should be no occupants and the owners should not reside in the City, then to give public notice by advertising in two of the newspapers printed in said City, directing said owners or occupants to have said nuisance or cause of nuisance removed, by draining, filling up, or otherwise, in the manner as may be prescribed in such notice ; and in case of neglect or refusal to obey said notice, the Mayor and Aldermen shall have power to remove the same by filling up, draining or otherwise, as they shall deem expedient, and said owners or occupants shall defray and pay the expense thereof.

Sec. 12. *Be it further ordained*, That all house offal, whether consisting of animal or vegetable substance, shall be deposited in convenient vessels, and be kept in some convenient place, to be taken away by the City scavengers, which shall be done

not less than twice in each week, and as much oftener as the Mayor and Aldermen shall direct.

Sec. 13. *Be it further ordained*, That no person shall remove or carry through any of the streets, squares, lanes or alleys of this City, any house dirt, offal or animal or vegetable substances from any of the dwelling houses or other places, in any cart or other vehicle, unless such person so removing the same, together with the cart or other vehicle in which the same shall be carried, shall be duly licensed for that purpose by the Mayor and Aldermen, upon such terms and conditions as the Mayor and Aldermen shall deem the health and interest of the City require.

Sec. 14. *Be it further ordained*, That no person or persons, unless duly licensed by the Mayor and Aldermen, shall throw or deposit, or cause to be thrown or deposited in any street, court, square, lane, alley, public square or vacant lot, or into any pond, any dirt, sawdust, soot, ashes, cinders, shavings, hair, shreds, manure, oyster or lobster shells, waste water, rubbish or filth of any kind, or any animal or vegetable matter or substance whatever. Nor shall any person or persons throw or cast any dead animal, or any foul or offensive ballast, in any dock or place, between the channel and the shore. Nor shall any person land any such foul or offensive animal or vegetable substance within the City. Nor shall any person cast any dead animal into the channel without securing thereto a sufficient weight to prevent it from floating.

Sec. 15. *Be it further ordained*, That if any of the substances in the preceding section mentioned, shall be thrown or carried from any house, ware-house, shop, cellar, yard, or other place, into any street, lane, alley, court, square, public place, or vacant lot, as well the owner of such house, or other place, whence the same shall have been thrown or carried, as the occupant thereof, and the person who actually threw and carried the same, shall severally be held liable for such violation of this ordinance ; and all such substances shall be removed from any street, lane, alley, court, square, public place, or vacant lot, by and at the expense of the owner or occupant of the house, or other place whence the same were thrown or carried, within two hours after personal notice in writing to that effect, given by the Mayor and Aldermen, the City Marshal or Commissioner of Health.

Sec. 16. *Be it further ordained*, That all dirt, sawdust, soot, ashes, cinders, shavings, hair, shreds, manure, oyster or lobster shells, waste water, or any animal or vegetable substance, rubbish or filth of any kind, in any house, ware-house, cellar, yard, or other place, which the Mayor and Aldermen, or City Marshal shall deem it necessary for the health of the City to be removed, shall be carried away therefrom by and at the expense of the owner or occupant of such house or other

place, where the same shall be found, and be removed to such place as he shall be directed within four hours after notice in writing to that effect, given by the Mayor, any Aldermen, the City Marshal or Commissioner of Health.

Sec. 17. *Be it further ordained*, That no person shall sell or offer for sale, or have in his possession in any of the public or private markets, or in any other place, any unwholesome, stale or putrid meat, fish or fruit, or other article of provisions; or any meat which has been blown, raised or stuffed; or any diseased or measly pork.

Sec. 18. *Be it further ordained*, That no person shall bring into the City for sale, nor shall sell, nor offer for sale, any halibut, cod, haddock, or mackerel until the same shall be cleansed of their entrails and refuse parts, which shall be thrown overboard below low water mark, or be kept on board the vessels or boats in which the fish were brought, in a safe manner, and be removed below low water mark at every flowing of the tide. And that no person shall sell, nor offer for sale in the City, fish of any kind, unless the same be kept in covered stalls, fish boxes or other houses, which shall always be clean and in good order, or in clean covered carts or boxes well secured from the rays of the sun. And no person shall sell and deliver from any stall, fish box, cart or other place, any fish of any kind, except salmon and shad, and also flounders, smelts, and other small fish, until the same shall have been cleansed of their entrails and refuse part, which shall be kept in some tight vessel, and be removed below low water mark at least once every day.

Sec. 19. *Be it further ordained*, That no person shall sell or offer for sale, fish, lobsters, oysters, or shell fish of any kind, in Market Square, Merchant's Row, South Market-street, North Market-street, or the street running from Long Wharf to Clinton-street, or in the part of Washington-street between Hayward Place and Kneeland-street, those parts of Kneeland, Beach, and Essex-streets, between Front and Washington-streets, nor in those parts of Boylston and Eliot-streets, between Tremont and Washington-streets, except by permission of the Mayor and Aldermen, and on such conditions as they shall order.

Sec. 20. *Be it further ordained*, That no person hereafter shall bring into the City, or have in his possession for sale, or shall sell or offer for sale within the City, any vegetables whatever, (excepting green peas in the pods, and green corn in the inner husks,) which have not previously been divested of such parts or appendages as are not commonly used for food—and that no person shall have such parts or appendages in his possession, in any public or private market, or in any other place, cart, or vehicle in said City, used or occupied for the sale of vegetable or other articles of food.

Sec. 21. *Be it further ordained*, That no swine or goats shall be kept within the limits of the City, without the license of the Mayor and Aldermen, and in such manner as they shall direct.

Sec. 22. *Be it further ordained*, That the owners and occupants of Livery and other stables within the city, shall not wash or clean their carriages or horses, or cause them to be washed or cleaned in the streets, or public ways, nor otherwise encumber the same ; they shall keep their stables and stable yards clean, and shall not permit more than two cart loads of manure to accumulate and remain in or near the same, at any one time between the first day of May and the first day of November ; nor shall they within that period remove any manure, nor cause or suffer the same to be removed, except between the hours of twelve at night and two hours after sunrise.

Sec. 23. *Be it further ordained*, That no person shall land on any wharf or other place or shall otherwise bring into the City, any damaged grain, rice or coffee without a permit therefor from the Mayor and Aldermen, and in such manner as they shall direct.

Sec. 24. *Be it further ordained*, That whenever any person shall have been duly notified to remove any nuisance, or to cleanse alter or amend any vault, or drain, or to perform any other act or thing which it may be his duty to perform, in obedience to the laws of the Commonwealth, or the rules, orders, regulations, by-laws or ordinances for the preservation of the health of the City, which are now, or which hereafter shall be made by lawful authority, and the time limited to the performance of such duty shall have elapsed, without a compliance with such notice, the City Marshal shall issue new notices from time to time, to such delinquents, until the duty shall be executed, and the nuisance remedied or removed. And the Mayor shall cause all persons who shall violate or disobey the said health laws and regulations, to be forthwith prosecuted and punished. And in case, in the opinion of the Mayor and Alderman, it shall be for the health and comfort of the inhabitants that any particular nuisance should be forthwith removed, and without delay, it shall be their duty to cause the same to be removed accordingly, at the expense of the owner or owners of the land upon which said nuisance exists.

Sec. 25. *Be it further ordained*, That the City Marshal, or his deputy, or any person authorized by the Mayor for that purpose, shall and may at any time between sunrise and sunset, enter into any building within the City for the purpose of examining into, destroying, removing or preventing any nuisance, source of filth, or cause of sickness therein ; or in any cellar belonging thereto. And if any person shall refuse to admit such officer, or other person so authorized, into said

building, the City Marshal shall on oath, complain to the Justices of the Police Court, and shall apply for their warrant, according to the statute in such cases made and provided, and shall thereupon proceed, under the authority of said Court, to examine such building or other place, and to destroy, remove, or prevent any nuisances, source of filth, or cause of sickness, that may be found there, in such manner as the Mayor and Aldermen shall direct. And the said City Marshall, or his deputy, or any person authorized as aforesaid, shall, and may at any time between sunrise and sunset, enter into any yard or lot of ground, or into any out house, and examine any alley, sink, cess-pool, privy, vault, public or private dock, or slip drain, or sewer, and shall report to the Mayor and Aldermen all such as the health, or security of the City may require to be cleansed, altered, or amended.

Sec. 26. *Be it further ordained*, That any person offending against any of the provisions of this Ordinance, shall forfeit and pay a sum not less than three or more than twenty dollars, to be recovered by complaint before the Justices of the Police Court, and in addition thereto, shall be liable to all the penalties provided by "An act of the Commonwealth to empower the Town of Boston to choose a Board of Health, and to prescribe their power and duty," and also, "An act concerning the regulation of the House of Correction in the City of Boston, and concerning the form of actions commenced under the By-Laws of said City, and for filling vacancies in the Board of Aldermen."

Sec. 27. *Be it further ordained*, That "An Ordinance prescribing Rules and Regulations relative to nuisances, sources of filth, and causes of sickness within the City of Boston," and "An ordinance in addition thereto," "An ordinance regulating the removal of house offal in the City of Boston," "An ordinance regulating the sale of fresh fish," "An ordinance for the regulation of the sale of fish within certain streets and squares," "An ordinance to prevent the sale of unwholesome provisions," "An ordinance for the preservation of the health of the City," "An ordinance to prevent the bringing unwholesome or useless vegetable substances into the City," and "the several ordinances in addition thereto," and all other ordinances or parts of ordinances inconsistent with, or repugnant to this, are hereby repealed.

In Common Council, October 5, 1833.

Passed.

JOHN P. BIGELOW, *President*.

In the Board of Aldermen, October 7, 1833.

Passed.

CHARLES WELLS, *Mayor*.